D.B. CIVIL SPECIAL APPEAL (W) NO. 1050/2003
Babulal Vs. The State of Rajasthan & anr.

08.09.2006

HON'BLE MRS. GYAN SUDHA MISRA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr. Nitin Jain for the appellant.
Mr. SS Sharma Addl. G.A. for the State.

This appeal has been filed against the order of the learned Single Judge dated 13.8.2003 by which the writ petition filed by the petitioner-appellant herein was dismissed on the ground that the appointment of the petitioner/appellant made on the post of naka guard was an irregular appointment as the Municipal Board had made appointments in regard to which complaints were received that the appointment made by the Municipal Board was irregular. It was further noted that the post of naka guard had also been abolished and therefore he could not have been allowed to function on the post of naka guard.

Assailing the judgment of the learned Single Judge, it was submitted by the counsel for the appellant that complaints had been received in regard to the appointment made on the post of Sweepers and not for the post of naka guard, but we find no substance in this argument for if the post of naka guard itself had been abolished, it is difficult to appreciate how a regular appointment on the said post could be made by the authority whose legal competence to do the same is also not

undisputed.

The appeal thus has no substance and hence it stand dismissed at the admission stage itself.

(CHATRA RAM JAT) J. (GYAN SUDHA MISRA) J.

PCG